



Board of Health Agenda

Date: December 15, 2021

Time: 5:00 PM

Location: Conducted by Remote Participation

1. Administrative

BOARD OF HEALTH MEETING AGENDA

Date: Wednesday, December 15, 2021

Time: 5:00pm

Location: Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency and subsequent [Act Extending Certain COVID-19 Measures Adopted During the State of Emergency](#), the December 15, 2021 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

Public access to this meeting shall be provided in the following manner:

Real-time public comment can be addressed to the Board of Health utilizing the Zoom virtual meeting software for remote participation. This application will allow attendees to request an opportunity for public comment, and allow the Board Chair to grant attendees the opportunity for public comment. Attendees can use either phone or computer to participate in the meeting. Public comment can also be sent in advance of the meeting by emailing the Board of Health at boh@town.arlington.ma.us by no later than 5pm on December 14, 2021. Submitted public comment will be read into the record at the appropriate points in the meeting.

Zoom Login instructions:

Instructions and the meeting link for this specific meeting can be found on the Board's agenda and minutes page or on the Town's meeting calendar. The meeting registration information is listed below. When attendees enter the meeting, they will be placed into a virtual waiting room. Attendees will be admitted into the meeting from the waiting room at the start of the meeting.

Please register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/meeting/register/tZEsc-2tqT0jH9SLyIRi1qBl6IQeYePj9UvF>

On this agenda:

2. Acceptance of Meeting Minutes from October 13, 2021
3. Acceptance of Meeting Minutes from November 17, 2021
4. COVID-19 Situational Update
5. Public Health Nurse Update

6. DISCUSSION:

Mask Mandate

7. HEARING:

Tobacco Permit - Galaxy Market

8. DISCUSSION:

2022 Board of Health Meeting Schedule

9. UPDATES:

Environmental Health

10. UPDATES:

Restaurants

PUBLIC COMMENT

Adjourn



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

BOARD OF HEALTH MEETING MINUTES

Date: Wednesday, October 13, 2021
Time: 2:00pm
Location: Conducted by Remote Participation

In accordance with the Governor's [Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20](#) relating to the COVID-19 emergency and subsequent [Act Extending Certain COVID-19 Measures Adopted During the State of Emergency](#), the September 15, 2021 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

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Please register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/join/register/tZlIdu6qqT0sGNBSjzi9P5am9ZWaksZKQRES>

On this agenda:

1. Administrative

At this time, I would like to confirm that all members and persons anticipated on today's agenda are present and can hear me.

Board Members, when your name is called, please respond in the affirmative.

1. Dr. Marie Walsh Condon, Aye
2. Dr. Kevin Fallon, Aye

3. Kenneth Kohlberg, Aye

Health Department staff, please respond in the affirmative when your name is called.

1. Natash Waden, Aye
2. Annette Curbow, Aye
3. Diana DeStefano, Aye
4. Jessica Kerr, Aye
5. Cameron Bishop, Aye
6. Ashley Jean, Nay
7. Pat Martin, Nay

Applicants and Representatives, do we have anyone on the call representing an application?

1. Alexandra Rowell – Keeping of Hens – 88 Westminster, Aye
2. Shinji Maraki & Joji Sawa – Toraya Variance, Aye
3. Ismini Vocas – Ink by Mina Body Art, Aye
4. Dylan Vadakin – Practitioner Application, Aye
5. John Leone representing Mary Pat Dixon – 142 Summer St, Aye
6. Sean Larkin – 142 Summer St, Aye

Thank you everyone.

As stated, this Open Meeting of the Arlington Board of Health is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus.

In order to mitigate the transmission of the COVID-19 Virus, the Town of Arlington has been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will have one public comment period, at the end of the meeting. This meeting will have two public comment periods - one at the end for the general public, and during the hearings for the variance applicants. If you would like to comment during one of the public comment periods, please use the "Raise Hand" function if on a computer, or "Dial *9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments.

For this meeting, the Board of Health is convening by telephone and computer conference via Zoom as posted on the Town's Website identifying how the public may join.

Only Health Department staff will be able to share their screen during this meeting. Board Members and Department Staff may be participating by video conference. Accordingly, please be aware that other folks may be able to see you. Anything that you broadcast may be captured by the recording.

All of the materials for this meeting are available on the Novus Agenda dashboard, and I recommend that Board Members and the public follow the agenda as posted on Novus unless otherwise noted. Members of the public are encouraged to provide written public comments.

Before we get to today's agenda, I am going to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

Dr. Marie Walsh Condon, the Board Chair, will introduce each agenda item. After the item is presented, she will go down the list of Board Members, inviting each by name to provide any comment, questions, or motions. Please hold comments or questions until your name is called and you are unmuted. For any response, please wait until the Chair yields the floor to you, and state your name before speaking.

Finally, each vote taken during this meeting will be conducted by roll-call vote.

Dr. Walsh Condon, can you please now review today's agenda. Floor yielded to Dr. Marie Walsh Condon.

Dr. Walsh Condon welcomed everyone to today's Board of Health meeting.

2. Acceptance of the Meeting Minutes from September 15, 2021

Motion made by Kevin Fallon to approve the minutes as written, seconded by Mr. Kenneth Kohlberg.

- Dr. Marie Walsh-Condon, Aye
- Dr. Kevin Fallon, Aye
- Mr. Ken Kohlberg, Aye

Motion approved 3-0 (unanimously)

3. COVID-19 Situational Update

Public Health Nurse Jessica Kerr states that in Arlington there have been 2211 confirmed cases, 207 probable cases, and 88 deaths associated with Covid-19. To date there have been 204 total breakthrough cases of Covid-19. Among the 204 break through cases, 13 are associated with J&J vaccine, 57 are associated with Moderna, and 134 are associated with Pfizer.

Ms. Kerr provided the following summary of the last three months:

- August – 147 cases
- September – 136 cases
- October to date – 41 cases

Ms. Kerr reports there is an apparent decrease in cases.

Town leadership continues to meet as needed to discuss the COVID-19 situation and anticipated changes. Pfizer has requested EUA for those aged 5-11. We fully anticipate and are ready to work with the schools to hold clinics for this population when approval is granted. Additionally, the department will plan to hold booster clinics for Moderna vaccine in the near future.

4. Public Health Nurse Update

Public Health Nurse, Jessica Kerr informed the Board that the Department has also been working to provide flu vaccination clinics to the senior population. As such the Department has been collaborating with the Arlington Housing Authority and Council on Aging to host clinics. Additionally, residents have been encouraged to seek their flu vaccine from their primary care physician or local pharmacy.

5. DISCUSSION:

Mask Mandate

Director Waden reminds everyone that the mask mandate remains in place for indoor settings within the Town of Arlington. Until Middlesex County is found to have Low or Moderate community transmission as indicated by the CDC, the mask mandate will remain in place.

Mystic Brass Ensemble – First Baptist Church of Arlington

Director Waden explains that upon further review, the Mystic Brass Ensemble did not need an exemption to the mask mandate and therefore did not need to come before the Board to discuss this matter.

6. HEARING: Keeping of Hens – 88 Westminster Ave

Health Compliance Officer Annette Curbow introduced the application, indicating that all Town requirements have been met. Ms. Curbow's recommendation to the Board is to issue a conditional approval pending a final inspection of the coop, once it is built.

No questions from the Board.

A motion was made by Mr. Kohlberg, which was seconded by Dr. Fallon to grant approve the application as presented.

- Dr. Marie Walsh Condon, Aye
- Dr. Kevin Fallon, Aye
- Mr. Ken Kohlberg, Aye

Approved unanimously (3-0)

7. HEARING: Variance Request - Toraya

Director Waden presented this variance request to the Board on behalf of Health Compliance Officer, Ashley Jean. Director Waden explained that Toraya was a former Sushi establishment in Arlington, which had recently closed. As part of the plan review process, Toraya completed a HACCP plan with Berger

Food Safety consulting and recently had their sushi rice tested to ensure proper pH levels. Waden further reported that Health Compliance Officer Ashley Jean conducted a review of the application and found that all other requirements of the Food Code had been met. The recommendation is to approve the variance.

No questions from the Board.

A motion was made by Mr. Fallon, which was seconded by Mr. Kohlberg to approve the variance as presented.

- Dr. Marie Walsh Condon, Aye
- Dr. Kevin Fallon, Aye
- Dr. Ken Kohlberg, Aye

Approved unanimously (3-0)

8. HEARING: Ink by Mina – Body Art Establishment Application

Health Compliance Officer Annette Curbow introduced the application, indicating that all local requirements have been met. Ms. Curbow's recommendation is to grant conditional approval, pending a final inspection of the establishment.

A motion was made by Mr. Kohlberg, which was seconded by Dr. Fallon to approve the application as presented.

- Dr. Marie Walsh Condon, Aye
- Dr. Kevin Fallon, Aye
- Dr. Ken Kohlberg, Aye

Approved unanimously (3-0)

9. HEARING: Ismini Vocas – Body Art Practitioner Application

Health Compliance Officer Annette Curbow introduced the application, indicating that all Town requirements have been met. Ms. Curbow's recommendation is to approve the application.

A motion was made by Mr. Kohlberg, which was seconded by Dr. Fallon to approved the application as presented.

- Dr. Marie Walsh Condon, Aye
- Dr. Kevin Fallon, Aye
- Dr. Ken Kohlberg, Aye

Approved unanimously (3-0)

10. HEARING: Dylan Vadakin – Body Art Practitioner Application

Health Compliance Officer Annette Curbow introduced the application, indicating that all Town requirements have been met. Ms. Curbow's recommendation is to approve the application.

A motion was made by Mr. Kohlberg, which was seconded by Dr. Fallon to approved the application as presented.

- Dr. Marie Walsh Condon, Aye
- Dr. Kevin Fallon, Aye
- Dr. Ken Kohlberg, Aye

Approved unanimously (3-0)

11. HEARING: Housing Code Violation – 142 Summer St

Health Compliance Officer Annette Curbow introduced this case to the Board. In summary, current occupant Sean Larkin requested an inspection of the basement area of 142 Summer St after it was impacted by flooding. Mr. Larkin was using the basement as his bedroom. At the time of inspection, Mr. Larkin had moved his belongings into another room on the main floor of the dwelling. Upon review of the file, Ms. Curbow discovered that the basement unit had been previously deemed uninhabitable in an order letter issued by the Arlington Health Department on September 12, 2005. Whereas the occupant was not living in bedroom at the time of inspection, an emergency order to condemn the unit was not issued. Instead, the property owner was ordered to appear before the Board on this date.

Attorney John Leone, representative of the landowner Mary Pat Dixon provided a Zillow listing, apartment lease, lead law notification, and repair statement dated September 29, 2021 with Kenneth Chesnel for basement cleaning on August 29, August 30, September 3 and September 4, 2021. Director Natasha Waden reads these documents in for the record.

Sean Larkin provides his statement that he believes the basement room of the unit to be advertised as a bonus room and had been using it as a bedroom. After the flash flood, Sean informed the landowner that there was significant water damage to the basement. Sean indicates that there is clear water damage still impacting the room. After trying to work with the landowner, the occupant called the Board of Health requesting a housing inspection.

No question for Sean from the board.

Attorney John Leone provides a statement on behalf of property owner Mary Pat Dixon. Mr. Leone states that this dwelling was not rented as a four-bedroom dwelling, pointing to the Zillow listing read by Ms. Waden. The basement was never represented as a bedroom to the current occupants. He states that Mary Pat Dixon responded to Mr. Larkins concerns by contracting with Kenneth Chesnel to provide cleaning services. Ms. Dixon agrees that the basement space is uninhabitable as it does not meet the requirements. Ms. Dixon agrees to place signage in the basement area

A motion was made by Dr. Condon, which was seconded by Mr. Kohlberg to deem the basement area of 142 Summer St uninhabitable.

- Dr. Marie Walsh Condon, Aye
- Dr. Kevin Fallon, Aye
- Dr. Ken Kohlberg, Aye

Approved unanimously (3-0)

Ms. Curbow will be in touch with the owner and occupant regarding next steps.

12. UPDATES: Environmental Health

Following an advisory posted regarding a Harmful Algal Bloom at Spy Pond, the Health Department worked to with the state to coordinate testing in order to remove the advisory posting. Over two consecutive weeks, the water samples found the toxic algae levels to be below the actionable limits. The advisory has been lifted.

The Health Department held a webinar presentation titled Living with Coyotes. The Arlington ACO, former Belmont ACO and Division of Fisheries and Wildlife represented the panelist on the webinar. Over 250 residents were in attendance. A recording of the webinar and an FAQ can now be found on the Arlington Website.

There is a group of residents working to limit the use of rodenticides in town. The Health Department is working with the group as well as developing programs to work with groups in Town to promote more use of integrated pest management programs.

13. UPDATES: Restaurants

The Neighborhood Kitchen has opened in the heights.

PUBLIC COMMENT

No public comment

Adjourn

Motion to adjourn was made by Mr. Kohlberg, seconded by Dr. Condon. Meeting adjourned at 3:29 pm.

1. Dr. Marie Walsh Condon, Aye
2. Dr. Kevin Fallon, Nay
3. Kenneth Kohlberg, Aye

Health Department Staff, please respond in the affirmative when your name is called.

1. Diana DeStefano, Aye
2. Jessica Kerr, Aye
3. Ashley Jean, Aye
4. Pat Martin, Aye
5. Annette Curbow, Aye
6. Cameron Bishop, Aye
7. Natasha Waden, Aye (joined during section 4)

Applicants and representatives, do we have anyone on the call representing an application?

1. Alec Quinn – Benchmark Tattoo, Practitioner Application
2. Maxwell O'Brien – Benchmark Tattoo, Practitioner Application

Thank you everyone.

As stated, this Open Meeting of the Arlington Board of Health is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus.

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Finally, each vote taken during this meeting will be conducted by roll-call vote.

Dr. Walsh Condon, can you please now review today's agenda. Floor yielded to Dr. Marie Walsh Condon.

Dr. Walsh Condon welcomed everyone to today's Board of Health meeting.

2. COVID-19 Situational Update

Mr. Pat Martin states that Jessica Kerr will provide the COVID-19 update in the Public Health Nurse update.

3. Public Health Nurse Update

Public Health Nurse reports that the Pfizer vaccine was approved for 5-11 year olds. The Health Department has held two first-dose clinics, vaccinating over 1,700 children ages 5 to 11. These clinics represented 10% of all Pfizer vaccines delivered to 5-11 year olds in the first weekend.

To date, there have been 2,363 confirmed COVID-19 cases, 223 probable cases, and 88 deaths. Ms. Kerr reports that approximately 303 of the cases have been breakthrough cases. Of those breakthrough cases 82 received Moderna, 204 received Pfizer and 17 received the J&J vaccine.

Ms. Kerr provides the following summary of cases over the past few months:

- September – 136 cases
- October – 102 cases
- November to date – 117 cases

Ms. Kerr confirms that these numbers show a clear increase in new COVID-19 infections, with the total number in November expected to surpass the September count. Ms. Kerr states that the weekly reported cases continue to increase.

A review of the MWRA data illustrates that in recent weeks there is also an increase in COVID-19 detections. The MWRA provides the earliest indicators of COVID-19 case surges. The CDC community transmission data similarly shows that Middlesex County is consistently an area of high to substantial transmission.

Ms. Kerr reports that the Department continues to contact trace all new cases. The trend continues that cases prefer to reach out to contacts themselves, so contact tracers provide them with the guidance to share. The State is beginning to look at prioritizing key sectors with contact tracing. She anticipates some changes in how cases are responded to by the local health departments.

The Department is planning Booster clinics over the next three weeks. Additionally the Department will be working with the Council on Aging to reach homebound residents for booster vaccinations.

4. DISCUSSION: Mask Mandate

Director Waden reviews the MWRA data, CDC data and local cases discussed in the Public Health Nurse Update. Based on the increases across all data sets, she recommends the mask mandate remains in place. Director Waden stresses the importance of continuing to evaluate all data points during subsequent Board of Health Meetings.

Director Waden also clarifies the distinction of masking in public places and masking in schools. Masking in school is dictated by DESE and their requirements. DESE has extended the masking requirement through January, and any changes of the local mask mandate would not affect masking requirement to mask indoors at school.

Director Waden reviews that as written, the Arlington Mask Mandate would expire when Middlesex County is found to have low to moderate community transmission during two consecutive weeks. This is based off of the CDC Community Transmission data. Dr. Condon also indicates that the Board may also vote to rescind the mandate as informed by local data in addition to county data. Given the current increase in cases, the Board does not feel this is indicated.

No public comment.

5. HEARING: Maxwell O'Brian

Ms. Annette Curbow introduced the application for Mr. Maxwell O'Brian, indicating all requirements outlined in Town Regulations were met. No questions or comments from the board.

Motion made by Mr. Kohlberg, which is seconded by Dr. Condon to approve the application as submitted.

- Mr. Ken Kohlberg, Aye
- Dr. Marie Walsh-Condon, Aye

Approve unanimously. (2-0)

Ms. Curbow will be in-touch with the applicant on next steps.

6. HEARING: Reynaldo (Alec) Quinn

Ms. Annette Curbow introduced the application for Mr. Alec Quinn, indicating all requirements outlined in Town Regulations were met. No questions or comments from the board.

Motion made by Mr. Kohlberg, which is seconded by Dr. Condon to approve the application as submitted.

- Mr. Ken Kohlberg, Aye

- Dr. Marie Walsh-Condon, Aye

Approve unanimously. (2-0)

Ms. Curbow will be in-touch with the applicant on next steps.

7. UDPATES: Environmental Health

Mr. Pat Martin reports the Department has begun sending out permit renewals. Mr. Martin also reports that the Department is seeing a slight increase in housing complaints.

8. UPDATES: Restaurants

Mr. Pat Martin reports the Department has begun sending out permit renewals. Heights Pub has been issued a permit.

9. Public Comment

No public comment

10. DISCUSSION: Future Meetings

Future Meetings will continue to be held virtually through at least the New Year. Meetings will be held on Wednesday's at 5pm.

Meeting adjourned at 2:41 pm.



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

MEMORANDUM

To: Board of Health
From: Padraig Martin, Lead Health Compliance Officer
Date: December 9, 2021
RE: Galaxy Market Tobacco Compliance Violations

On September 15, 2021 the Board of Health voted unanimously to suspend Galaxy Market's Permit to Sell Tobacco Products until December 31, 2021 and to uphold a fine of five-thousand dollars (\$5,000.00). This suspension was issued as a result of multiple violations of *the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*.

Health Compliance Officers Annette Curbow and Cameron Bishop inspected Galaxy Market on December 8, 2021 and found them to be in compliance with the suspension of their Permit to Sell Tobacco Products.

Galaxy Market has notified our department that they do not have the funds to pay the \$5,000.00 fine. As of today, Galaxy Market has not submitted payment for this fine.

Enclosed please find the following item:

1. Copy of the suspension notice dated 9/16/2021



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

September 16, 2021

Hand Delivered

Galaxy Market
Attn: Shajid Shaikh
1348 Massachusetts Ave
Arlington, MA 02476

Re: *Galaxy Market- Arlington, MA*
Suspension of Tobacco and Nicotine Delivery Product Sales Permit

Dear Mr. Shaikh:

This letter serves to document the decision rendered by the Board of Health at the hearing held on September 15, 2021 in response to a violations of *the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products* ("Regulation") that occurred on August 10, 2021 and September 1, 2021. At the hearing, the Board of Health voted unanimously to uphold a fine of five-thousand dollars (\$5,000.00) and to impose a suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning **September 16, 2021** and continuing through the end of business on **December 31, 2021**. Shall the business be sold in that timeframe, the new owner will have first opportunity to apply for the Tobacco and Nicotine Delivery Product Sales Permit associated with Galaxy Market.

A future violation of the Regulation within thirty-six (36) months of the first violation (dated December 1, 2020) would be considered your fifth violation and may result in a fine of five-thousand dollars (\$5,000.00) and a suspension of your Permit for thirty (30) consecutive business days or the revocation of your Permit to sell tobacco and nicotine delivery products. Please note that the failure to remove all tobacco and nicotine delivery products from the premises shall constitute a separate violation of the Regulation, and the sale or distribution of tobacco or nicotine delivery products directly to a consumer while your Permit is suspended may result in the suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Padraig Martin", is written over a horizontal line.

Padraig Martin
Lead Health Compliance Officer
(781) 316-3169
pmartin@town.arlington.ma.us

cc: Natasha Waden, Director of Public Health



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

Proposed 2022 Board of Health Meeting Schedule:

- January 12, 2022
- February 16, 2022
- March 16, 2022
- April 13, 2022
- May 25, 2022
- June 22, 2022
- July 20, 2022
- August 24, 2022
- September 21, 2022
- October 19, 2022
- November 16, 2022
- December 14, 2022

Time: TBD

Location: Conducted by Remote Participation